

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of Diane R. Danielson,

Employee,

NOTICE OF AND ORDER FOR
HEARING

vs.

Minnesota State College and Universities
(MNSCU) – Northland Community and
Technical College,

Employer.

IT IS HEREBY ORDERED, and Notice is hereby given that a telephone prehearing conference concerning the above-entitled matter will be held, commencing at 9:30 a.m. on January 18, 2001. A hearing date will be set during the telephone conference.

The prehearing conference and hearing will be held before George A. Beck, the undersigned Administrative Law Judge. The address of the Administrative Law Judge is Office of Administrative Hearings, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138, and the telephone number is (612) 341-7601.

This hearing has been ordered pursuant to the authority granted to the Administrative Law Judge and the Office of Administrative Hearings by Minn. Stat. § 43A.33 and the Commissioner's Plan of the Minnesota Department of Employee Relations. Under those authorities, an employer may discharge employees, suspend them without pay, or reduce them in pay or position, only for just cause.

The hearing will be conducted pursuant to the contested case procedures set out in chapter 14 of the Minnesota Statutes; the Rules of the Office of Administrative Hearings, Minn. Rules pt. 1400.5100 – 1400.8500; and Minn. Stat. § 43A.33. A copy of these materials may be purchased from the Minnesota Book Store, telephone (612) 297-3000 and are available online at www.revisor.leg.state.mn.us.

At the prehearing conference and hearing, all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. In addition, the rules of the Office of Administrative Hearings grant certain procedural rights to the parties,

including: the right to request advance notice of witnesses and evidence, the right to a prehearing conference, the right to present evidence and cross-examine witnesses, and the right to purchase a record or transcript of the proceeding. The parties are also entitled to issuance of subpoenas to compel witnesses to attend a deposition or the hearing or to produce documents and other evidence, pursuant to Minn. Rule 1400.7000.

Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. Please be advised that, if data that is not public is admitted into the record, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2.

Questions concerning the issues raised in this Order or concerning informal disposition or discovery pursuant to Minn. Rules 1400.5900, 1400.6700 and 1400.6800 may be directed to the agency's counsel: David Merchant, Assistant Attorney General, Minnesota Attorney General's Office, 1100 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2128; telephone: (612) 282-5729.

The Employer has taken action to discipline the Employee. From this action, the Employee has appealed. After the hearing, the Administrative Law Judge will decide the case in a written Order pursuant to Minn. Stat. § 43A.33, subd. 4, and will serve a copy of that Order on all parties. That section reads, in relevant part:

If the administrative law judge finds, based upon the hearing record, that the action appealed was not taken by the appointing authority for just cause, the employee shall be reinstated to the position, or an equal position in another division within the same agency, without loss of pay. If the administrative law judge finds that there exists sufficient grounds for institution of the appointing authority's action but the hearing record establishes extenuating circumstances, the administrative law judge may reinstate the employee, with full, partial, or no pay, or may modify the appointing authority's action.

The parties are advised that, if they intend to appear at the hearing, the Notice of Appearance form enclosed with this Notice and Order must be completed and returned to the Administrative Law Judge.

The Employee's failure to appear at the prehearing conference or the hearing can result in a Finding that the Employee is in default and the Department's decision should be upheld. Failure of the Employer to appear at the prehearing conference or the hearing can result in a finding that the Employer's action was not for just cause and that the Employee should be made whole.

If any party has good cause for requesting a delay of the prehearing conference or the hearing, the request must be made in writing to the Administrative Law Judge at least five (5) days prior to the proceeding. A copy of the request must be served on the other party.

If you need an accommodation in order to participate in this hearing process, please call: (612) 341-7610 (voice); or (612) 341-7346 (TTD).

Dated this 5th day of January 2001.

GEORGE A. BECK
Administrative Law Judge

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NOTICE OF APPEARANCE

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Community and Technical College,
Employer.

TO: Administrative Law Judge George A. Beck, 100 Washington Square, Suite
1700, Minneapolis, Minnesota 55401-2138:

PLEASE TAKE NOTICE that the party named below will participate in the prehearing
conference and subsequent proceedings.

Name, Address, and Telephone Number of Party:

Party's Attorney, Office Address and Telephone Number:

Signature of Party/Attorney: _____

Dated: _____.